IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

Bail Appl..No. 6411 of 2006

CRIME NO.824/2006 OF PATHANAMTHITTA POLICE STATION

PETITIONER/THIRD ACCUSED:

THOMAS VARGHESE, AGED 54 YEARS,
S/O. LATE K.G. THOMAS, KANNAPPARA HOUSE,
MAKKANKUNNU, PATHANAMTHITTA.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS: STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6411/2006

DATED THIS THE 6TH DAY OF NOVEMBER, 2006

O R D E R

The petitioner is the third accused, in crime No.824/2006 of Pathanamthitta Police Station, for the offence punishable under Sections 143, 147, 148, 447, 294 (b), 323 and 326 IPC read with Section 149 IPC.

2. It is alleged that the sister of the defacto complainant, who is residing at Kottayam, is owning a shop, which is occupied by the petitioner for conducting the hardware business. Accused Nos. 1 and 2 were employed by the third accused. When the sister of the defacto complainant came and demanded the vacant possession of the shop, accused 1 and 2, the employees of the petitioner, had used some obscene language against her. She, therefore, asked the petitioner to sent them off the employment, which the petitioner readily accepted. However, infuriated by this action, accused Nos. 1 and 2

had trespassed into the house of the defacto complainant, the brother of the land lady, where she was residing, and assaulted the defacto complainant and others in the house, including the land lady. The defacto complainant sustained injuries, including fracture on the nasal bone. Therefore, the case had been registered at the instance of the defacto complainant.

3. The learned counsel for the petitioner submitted that the petitioner, the third accused, was not involved in any offence or any over acts against the defacto complainant or anyone else.

4. After hearing both sides and considering the materials on record, I direct the petitioner to surrender before the Investigating Officer, in crime No.824/2006 of Pathanamthitta Police Station, on 10.11.2006 between 9.30 a.m and 10.00 a.m.

5. The investigating Officer shall interrogate the petitioner and thereafter, produce him before the Court

below, according to the law.

6. On production, the learned Magistrate shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs